

THE WHITE HOUSE

WASHINGTON

August 12, 1996

Dear Senator Akaka:

President Clinton has asked us to respond to your letter regarding a private venture's proposal to establish a spent nuclear fuel repository in the Pacific and the legislation proposed to facilitate such a repository.

The idea of a coordinated international approach to the management and disposition of spent nuclear fuel has much merit. However, we find that the proposal to lease uranium fuel to the world's nuclear utilities, take back the spent fuel and ship it to an interim storage facility on Palmyra Atoll has a number of troubling drawbacks that outweigh its benefits.

The proposed legislation and related documents make clear that this proposal would make U.S. territory the dump site for much of the world's spent fuel, a prospect that this Administration would strongly oppose. Even more disturbing, as you note in your letter, is the concern that the proposed repository is only an interim facility, raising the prospect that once the facility is full, the venture's principals could leave most of the world's spent nuclear fuel for the U.S. Government to manage in perpetuity.


The approach outlined in this proposal contains a number of new concepts that require substantially more scientific and technical information before they could be responsibly reviewed, much less approved. The proposed legislation's waivers to key provisions of the National Environmental Policy Act and Nuclear Regulatory Commission regulations are a tacit acknowledgment of the obstacles the legislation seeks to preempt. We believe it would be a serious breach of the public trust for the federal government to exempt one specific and highly controversial proposal from established nuclear and environmental review procedures. Accordingly, this Administration cannot support the proposed activity and strongly opposes the proposed legislation.


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Thank you for your interest in this subject, and we look forward to working with you on this issue. We are also sending identical copies of this letter to the other signatories of your letter.

Sincerely,


John H. Gibbons
Assistant to the President
for Science and Technology


Anthony Lake
Assistant to the President
for National Security Affairs

The Honorable Daniel K. Akaka
United States Senate
Washington, D.C. 20510



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

August 28, 1996

The Honorable Eni F.H. Faleomavaega
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Faleomavaega:

The Secretary has asked that the Office of Insular Affairs reply to your June 10, 1996, letter conveying your strong opposition to allowing the development of Palmyra Atoll as a spent nuclear fuel and plutonium repository. You wrote in the wake of repeated efforts by various companies and individuals to secure support either on Capitol Hill or in the Executive Branch to establish such a repository in Palmyra. The companies' and individuals' efforts have included three meetings in the Main Interior Building (April 19, May 24 and June 19, 1996) with members of the Office of Insular Affairs and representatives from the Office of the Solicitor of the Interior, the Departments of Defense, Energy and State, and the Minority staff of the House Committee on Resources. In addition, these companies and individuals have had numerous telephone conversations with Office of Insular Affairs staff.

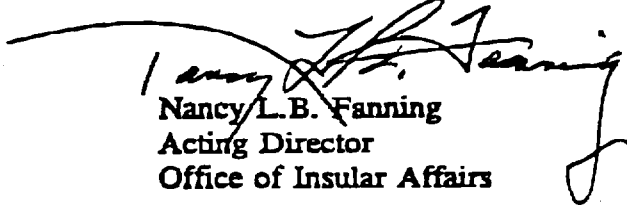
In communicating its position on the Palmyra proposal, the staff of the Office of Insular Affairs has worked closely with the appropriate members of the staffs of Senators Akaka and Inouye and Congressman Abercrombie. The Office of Insular Affairs has also kept your Interior legislative assistant informed. Speaking of that position, I can assure you that Executive Order No. 10967 (October 10, 1961) gives the Secretary of the Interior unfettered "responsib[ility] for the civil administration of Palmyra ... and all executive and legislative authority necessary for that administration." This, in turn, is a responsibility which the Office of Insular Affairs normally carries out on the Secretary's behalf.

In an August 12, 1996, letter to you and other Members of Congress and U.S. Senators, Messrs. Anthony Lake and John H. Gibbons, Assistants to the President for National Security Affairs and for Science and Technology, issued the position of The White House regarding the establishment of a spent nuclear fuel repository in Palmyra and the legislation proposed to facilitate such a repository. Messrs. Lake and Gibbons announced that the Clinton Administration could not support the proposed activity and strongly opposed the proposed legislation. On August 22, 1996, the Office of Insular Affairs received a copy of the August 12 letter by facsimile from The White House.

For as long as he is Palmyra's civil administrator, the Secretary will never allow anything even remotely approaching the grossly improper proposal offered for Palmyra. While the Department in no way intends to halt the purchase by any U.S. citizen or U.S. corporation¹ of the real property interests of either or both landowning families in the atoll, any proposal for Palmyra's use will have to pass the scrutiny, within the Department, of the Office of Insular Affairs, the U.S. Fish and Wildlife Service, the Deputy Associate Solicitor for General Law and the Office of Environmental Policy and Compliance. At the interagency level, the Office of Insular Affairs will also refer such a proposal to the Environmental Protection Agency and the National Oceanic and Atmospheric Administration. Moreover, this office will continue to consult with your office and those of the distinguished Members of Congress and U.S. Senators from Hawaii on any such proposal.

The Secretary deeply appreciates your kind words of support for his role in protecting the peoples and the fragile ecosystems of the Pacific and is grateful for your thoughtful commendation of his work in environmental affairs. On any proposal for Palmyra's possible use, as on so many other issues of mutual concern, the Secretary and the Office of Insular Affairs are pleased to work in collaboration with you and the other valued members of the House Committee on Resources.

Sincerely yours,



Nancy L.B. Fanning
Acting Director
Office of Insular Affairs

¹ Title 48, U.S. Code, sections 1501-12, prohibits the acquisition of title to any land in an incorporated territory - Palmyra was incorporated by act of Congress on April 30, 1900 - by other than, in general, a U.S. citizen, an alien who is a *bona fide* resident of the United States or an alien who has declared his or her intention to become a U.S. citizen.